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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,832	12/15/2000	Pierre Raynaud-Richard	008761.P003	1555

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EXAMINER

PAN, DANIEL H

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 11/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,832

Applicant(s)

RAYNAUD-RICHARD ET AL.

Examiner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-22, 27-34, 38-41, 45, 46 is/are rejected.
- 7) ☒ Claim(s) 11-13, 23-26, 35-37, 42-44, 47 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/07/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 8. 6) ☐ Other: _____

1. Claims 1-48 are presented for examination.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-5,7-9,14-21, 27-30 are rejected under 35 U.S.C. 102(a) and (b) as being anticipated by Brandes (5,946,484).

3. As to claims 1,27, Brandes taught a system for organizing binary data comprising at least :

a) splitting an extended opcode from an instruction (e.g. see the storage of opcode into the table I in col.2,32-59);

b) storing an index code in an opcode list [table I] as reference to an instruction memory entry in an instruction format dictionary [table] representing the opcode wherein the index is stored in order (see the sequential hex order of the opcodes in table !).

4. As to claims 2, 4,15,16,28, the claimed language "parameter" is interpreted as any parameter directed to immediate value, command addressing mode or length, operand etc. Applicant is suggested to provide feedback in the next response.

Brandes also included the splitting and storage of the parameters (e.g. see the storage

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of instruction format with the immediate value in table I in col.4, col.11, lines 36-38, the table is a list)

5. As to claim 3, Brandes also repeated splitting the parameters (e.g. see respective parameters and columns in col.11, lines 34-48).

6. As to claims 5, 17, Brandes also included a prefix (e.g. see col.14, lines 25-26).

7. As to claims 7,18,29, Brandes also included similar property of the parameter sub-list col.30, lines 12-30, see for example, R1 parameter identified by parameter RR, RX, Rs).

8. As to claim 30, Brandes also updated his dictionary (e.g. see col.12, lines 60-67), col.13, lines 1-4).

9. As to claims 8,19, Brandes also included a sub-list (e.g. see col.30, lines 13-29).

10. As to claim 20, Brandes also included a subtype (e.g. see the respective instruction length with the extended code in table I).

11. As to claims 9, 21, Brandes also included specific rule (e.g. see the compiler the decompiler in col.15, lines 6-55, see also the syntax of the description language in col.20, lines 31-67).

12. As to claim 14, , Brandes taught a system for organizing binary data comprising at least :

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- a) splitting an extended opcode from an instruction (e.g. see the storage of opcode into the table I in col.2,32-59);
- b) instruction format dictionary [table I] for storing extended opcode and an index code as entry;
- c) opcode list having index code in order (see the sequential order of the hex code) that instruction was provided (see table I).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandes (5,946,484) in view of Baentsch (6,339,820).

14. As to claim 6, limitations of the parent claim 1 has been discussed in the previous paragraph, and will not repeated herein. Brandes did not specifically show adding the extended code as an instruction entry as claimed. Instead, it disclosed updating of his table entry (e.g. see col.12, lines 67, col.13, lines 1-4). However, Baentsch disclosed a system for adding a new opcode entry in a table (e.g. see col.2, lines 55-61). . Although Baentsch's opcode was not taught to be an extended opcode, Brandes, as a primary reference, already taught extended opcode (e.g. see col.11, lines 53-56), therefore, It would have been obvious to one of ordinary skill in the art to sue Baentsch in Brandes for adding extended opcode as instruction entry as claimed

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because the use of Baentsch could provide Brandes the control ability of the opcode list to accept additional type of opcodes at a predetermined set of system requirements, such as additional instruction set, thereby increasing the flexibility of the system, and because Brandes taught the updating of his extended opcode table (e.g. see col.12, lines 60-67), which was an indication of the desirability of adding new entry into the table, and in doing so, provided a motivation.

15. Claims 10, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandes (5,946,484) in view of Morishita (6,047,298).

16. Brandes did not specifically teach the statistical analysis of the parameters as claimed. However, Morishita disclosed a dictionary system including statistical analysis of text string parameters (e.g. see the statistical compression in col.8, lines 25-67, col.9, lines 1-20). It would have been obvious to one of ordinary skill in the art to use Morishita in Brandes for including the statistical analysis as claimed because the use of Morishita could provide Brandes the capability to look ahead the number of the parameters used at a predetermined processing order of the binary data, thereby reducing the memory space used in the processing, and it could be readily achieved by defining the statistical analysis of Morishita into Brandes, such as modified configuration variables, such that the specific conditions of the statistical analysis of the instruction parameters could be recognized by Brandes, although Morishita was directed to text

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string, the principle of statistical analysis would not have changed, and was applicable to the binary data of Brandes, and for the above reasons , provided a motivation.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claim 31, 33,34,38,40,41,45 are rejected under 35 U.S.C. 102(a) as being anticipated by Zucker (5,822,787).

18. As to claim 31, 38, Zucker disclosed a system including at least :

- a) replacing the symbol name [SYMBOL 1] corresponding to dynamic link symbol in binary data with an abbreviation [first character] that was smaller than symbol name (see the how the index obtained the beginning t byte of the symbol name in col.9, ,lines 35-46, see also fig.20, col.21, lines 14-52 for specific memory structure, see also col. 10, lines 32-57 for dynamic link);
- b) writing the symbol name as an entry in the symbol dictionary (e.g. see col.9, lines 26-46, 116 is viewed as a functional part of 118).

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19. The type of claimed language : "abbreviation" is not being recited in the claim, therefore, it is treated as any information related to the symbol name, such as a character in the text string.

20. As to claims 33, 40, Zucker also included a new dynamic link symbols another entry (e.g. see the new crated entry in col.22, lines 33-50).

21. As to claim 34, Zucker also included hash table (e.g. see the hashed table in col.18, lines 53-67, col.19, lines 8-11).

22. As to claims 34, 41, Zucker also eliminated the hash table (see the elimination of PTE in col.20, lines 36-48, see col.19, lines 8-10 for hash table).

23. Claim 32 , 39 , 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zucker (5,822,787) in view of Atkinson et al. (6,367,012).

24. As to claims 32,39,46, Zucker did not specifically show to publish the exception symbol name as claimed. However, Atkinson disclosed a system for publishing an exception symbol name (e.g. see the exception table in col.17, lines 46-53, see also col. 2, lines 35-61, col.3, lines 13-32 for the background teaching of publishing digital data by executable file). It would have been obvious to one of ordinary skill in the art to use Atkinson in Zucker for publishing the exception symbol name as claimed because the use of Atkinson could provide Zucker the ability to accept specific type of the symbol name of the binary data file, thereby enhancing the adaptability of the symbol name system during the execution cycle, and it could be readily done by predefining the control parameters of the exception symbol of Atkinson,

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such as table address and size, into Zucker so that the exception symbol name of Atkinson could be recognized by Zucker, and in doing so, provided a motivation.

25. Claims 11,23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record teaches the group of size, sign, number of bits required to store the parameter, and the module 2^n class.

26. Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the combined features of identifying a random use property of the parameter, the splitting the parameter having the random use and the storage the parameter into a dissimilar sub-list

27. Claims 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record taught the identification of the random use property of the parameter.

28. Claims 35-37,42-44,47,48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

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limitations of the base claim and any intervening claims. None of the prior art of record teaches the combined features of the identification of an unused symbol to export by the executable and not to import by another executable, the writing of the unused symbol name as an entry and the elimination of the unused symbol and unused symbol name.

Morishita (6,047,298) was cited by applicant, therefore copy of this patent is not provided herein.

Aurbach et al. (6,199,126) was cited by applicant, and not being used in this action, but it showed the typical teaching of the index table and opcode. However, it failed to teach the extended opcode as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696. The examiner can normally be reached on M-F from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on (703) 305 9712. The fax phone numbers for the organization where this application or proceeding is assigned are

- a) before final 703 746 7239;
- b) after final 703 746 7238;
- c) Customer Service 703 746 7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

21 Coding Group
DANIEL STERN
PRIMARY EXAMINER
GROUP

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